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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 APR -3 AM 9:51

Magistrate Docket No.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 1023

UNITED STATES OF AMERICA,

Plaintiff,

v.

Mauricio-MOLINA-Zendejas,

Defendant

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **April 1, 2008** within the Southern District of California, defendant, **Mauricio MOLINA-Zendejas**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF APRIL,  
2008.

  
 Anthony J. Battaglia  
UNITED STATES MAGISTRATE JUDGE

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**CONTINUATION OF COMPLAINT:**  
**Mauricio MOLINA-Zendejas**

**PROBABLE CAUSE STATEMENT**

On Tuesday, April 1, 2008, Border Patrol Agent R. Cardenas was performing patrol duties three miles east and three miles north of the Tecate, California Port of Entry when a citizen reported seven individuals around her house. The citizen stated she resided at the end of Round Potrero Road. Agent Cardenas responded to the citizen's house and found seven individuals walking on Round Potero Road. Agent Cardenas identified himself as a United States Border Patrol Agent and questioned all individuals as to their citizenship and nationality. All seven subjects including one later identified as the defendant **Mauricio MOLINA-Zendejas**, stated that they were citizens and nationals of Mexico without any immigration documents allowing them to enter or remain the United States. At approximately 3:40 pm, seven subjects were arrested and transported to the Tecate, California Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **November 27, 2006** through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant said he was going to Lemoore, California to earn money.